

REMARKS:

This application has been reviewed in light of the Office Action mailed July 29, 2010. Reconsideration of this application in view of the below remarks is respectfully requested. By the present amendment, claim 44 is amended. No new subject matter is introduced into the disclosure by way of the present amendment. Claims 44 and 50 are pending in the application with claim 44 being in independent form.

Rejection under 35 U.S.C. §112, first paragraph

Claims 44 and 50 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, it is stated that “the Applicant only has support for a catching unit that is elastically formed of a fine member, takes a shape of a bowl by gravity and is formed of a magnetic material (i.e., fine wire) as per the disclosed limitations of elected species II (Figs. 5-7), which do not include a magnet of any kind.” (See pages 17-18). Claim 44 is amended to delete “magnet” by replacing “the net for retrieving or catching the capsule is formed of a magnet or a magnetic material” with “the net for retrieving or catching the capsule is formed of a magnetic material.” Therefore, Applicants respectfully request the withdrawal of the rejection.

Rejection under 35 U.S.C. § 103(a)

In the Official Action, the Examiner rejected 1) claim 44 under 35 U.S.C. § 103(a) as being unpatentable over Brockman (U.S. 3,540,433) in view of Foster (U.S. 3,087,699); 2) claim 50 under 35 U.S.C. § 103(a) as being unpatentable over Brockman, Foster and further in view of Paulin (U.S. 4,309,782); 3) claim 50 under 35 U.S.C. § 103(a) as being unpatentable over Brockman, Foster and further in view of Slover et al. (U.S. 4,445,235) (hereinafter “Slover”); 4) claim 44 under 35 U.S.C. § 103(a) as being unpatentable over Brockman in view of Schuchardt

et al.(U.S. 4,206,000) (hereinafter “Schuchardt”); 5) claim 50 under 35 U.S.C. § 103(a) as being unpatentable over Brockman, Schuchardt and further in view of Paulin; and 6) claim 50 under 35 U.S.C. § 103(a) as being unpatentable over Brockman, Schuchardt and further in view of Slover.

Claim 44, as amended recites “a catching unit for catching a medical capsule discharged from within a human body, the catching unit being connected with one end of the handle and having a size to allow covering a drain hole of the toilet bowl” and “the net for retrieving or catching the capsule is provided inside along a circular frame having the size and formed of a magnetic material for magnetically attracting one of a magnetic material and a magnet within the medical capsule.” The net formed by netting fine wire 56 is provided inside the circular frame 55 as shown in Figs. 5 to 7 of the present application, and the circular frame has a size to allow covering a drain hole of a toilet bowl. Applicants submit that none of the cited references teach this feature.

Foster discloses that metal is used for a string (*see* Fig.1, col. 2, lines 47-71).

Brockman discloses a medical strainer device 20 including a catch unit 24 as a filtering net 36.

Paulin discloses a bag 12 to enclose a specimen together with a catch unit 46 of specimen retrieval device 16.

Slover discloses a bag to enclose a specimen together with a catch unit of a specimen retrieval device.

Schuchardt discloses a technology of filtering metal fragments and a net having a magnet.

However, none of the above cited references discloses that the frame has a size to allow covering a drain hole of a toilet bowl. In the claimed invention, the frame has the size to cover the drain hole, so that the size of the retrieval device can be reduced. All of the cited references

only teach the sizes of retrieval devices larger than that of the retrieval device of the claimed invention. Therefore, claim 44 and its dependent claim are patentable over any combinations of the cited references for at least the reason given above. Applicants respectfully request withdrawal of the rejections.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, claims 44 and 50, are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicants' undersigned attorney at the number indicated below.

Respectfully submitted,

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